

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE EVERGREEN ULTRA SHORT ) No. 1:08-CV-11064-NMG  
OPPORTUNITIES FUND SECURITIES )  
LITIGATION ) CLASS ACTION  
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)

FINAL JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE

This matter came before the Court for hearing pursuant to the Order of this Court dated December 5, 2012, on the application of the parties for approval of the settlement set forth in the Stipulation of Settlement dated as of June 22, 2012 (the "Stipulation"). Due and adequate notice having been given to the Class as required in the Court's Order, and the Court having considered all papers filed and proceedings held herein and otherwise being fully informed in the premises and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. This Judgment incorporates by reference the definitions in the Stipulation, and all capitalized terms used, but not defined herein, shall have the same meanings as in the Stipulation.
2. This Court has jurisdiction over the subject matter of the Litigation and over all parties to the Litigation, including all members of the Class.
3. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, this Court hereby finally certifies this Litigation as a class action defined as all persons or entities who purchased or acquired shares of the the Fund between October 28, 2005 and June 18, 2008, inclusive, and who were damaged thereby. Excluded from the Class are Defendants and any entity in which Defendants or any excluded person has or had a controlling interest, the Wachovia Affiliated Accounts, the officers and directors of the corporate defendants, and the legal affiliates, representatives, heirs, controlling persons, successors, and predecessors in interest or assigns of any such excluded party.
4. With respect to the Class, this Court finds and concludes that: (a) the members of the Class are so numerous that joinder of all Class Members in the class action is impracticable; (b) there are questions of law and fact common to the Class which predominate over any individual question; (c) the claims of Lead Plaintiffs are typical of the claims of the Class; (d) Lead Plaintiffs and their counsel have fairly and adequately represented and protected the interests of the Class Members; and (e) a class action is superior to other available methods for the fair and efficient adjudication of the

controversy, considering: (i) the interests of the members of the Class in individually controlling the prosecution of the separate actions, (ii) the extent and nature of any litigation concerning the controversy already commenced by members of the Class, (iii) the desirability or undesirability of concentrating the litigation of these claims in this particular forum, and (iv) the difficulties likely to be encountered in the management of the class action.

5. Pursuant to Federal Rule of Civil Procedure 23, this Court hereby approves the settlement set forth in the Stipulation and finds that the settlement is, in all respects, fair, reasonable and adequate to the Settling Parties. The Court further finds that the settlement set forth in the Stipulation is the result of arm's-length negotiations between experienced counsel representing the interests of the Settling Parties. Accordingly, the settlement embodied in the Stipulation is hereby finally approved in all respects. The Settling Parties are hereby directed to perform its terms.

6. Except as to any individual claim of those Persons (identified in Exhibit 1 hereto) who have validly and timely requested exclusion from the Class, the Litigation and all claims contained therein, as well as all of the Released Claims, are dismissed with prejudice as to the Lead Plaintiffs and the other members of the Class, and as against the Released Persons. The Settling Parties are to bear their own costs, except as otherwise provided in the Stipulation.

7. Upon the Effective Date, the Lead Plaintiffs and each of the Class Members shall be deemed to have, and by operation of the Judgment shall have, fully, finally and forever released, relinquished and discharged all Released Claims against the Released Persons, whether or not such Class Member executes and delivers a Claim Information Form.

8. Upon the Effective Date, the Lead Plaintiffs and all Class Members and anyone claiming through or on behalf of any of them, are forever barred and enjoined from commencing, instituting or continuing to prosecute any action or any proceeding in any court of law or equity,

arbitration tribunal, administrative forum, or other forum of any kind (whether within the United States or not) any of the Released Claims against any of the Released Persons.

9. Upon the Effective Date, each of the Released Persons shall be deemed to have, and by operation of the Judgment shall have, fully, finally and forever released, relinquished and discharged the Lead Plaintiffs, any Plaintiff, Class Members and Plaintiffs' Counsel from all claims (including Unknown Claims) arising out of, relating to, or in connection with, the institution, prosecution, assertion, settlement or resolution of the Litigation.

10. The distribution of the Notice of Proposed Settlement of Class Action, Special Notice and the publication of the Summary Notice as provided for in the Order Preliminarily Approving Settlement and Providing for Notice constituted the best notice practicable under the circumstances, including individual notice to all members of the Class who could be identified through reasonable effort. Said notice provided the best notice practicable under the circumstances of those proceedings and of the matters set forth therein, including the proposed settlement set forth in the Stipulation, to all Persons entitled to such notice, and said notice fully satisfied the requirements of Federal Rule of Civil Procedure 23, §27(a)(7) of the Securities Act of 1933, 15 U.S.C. §77z-1(a)(7) as amended by the Private Securities Litigation Reform Act of 1995, due process and any other applicable law.

11. Any plan of allocation submitted by Lead Counsel or any order entered regarding the attorneys' fee and expense application shall in no way disturb or affect this Judgment and shall be considered separate from this Judgment.

12. Neither the Stipulation nor the settlement contained therein, nor any act performed or document executed pursuant to or in furtherance of the Stipulation or the settlement: (a) is or may be deemed to be or may be used as an admission of, or evidence of, the validity of any Released Claim, or of any wrongdoing or liability of the Defendants; or (b) is or may be deemed to be or may be used

as an admission of, or evidence of, any fault or omission of any of the Defendants in any civil, criminal or administrative proceeding in any court, administrative agency or other tribunal. The Stipulation may be filed in an action to enforce or interpret the terms of the Stipulation, the settlement contained therein, and any other documents executed in connection with the performance of the agreements embodied therein. Defendants and/or the other Released Persons may file the Stipulation and/or this Judgment in any action that may be brought against them in order to support a defense or counterclaim based on the principles of *res judicata*, collateral estoppel, full faith and credit, release, good faith settlement, judgment bar, or reduction or any other theory of claim preclusion or issue preclusion or similar defense or counterclaim.

13. Without affecting the finality of this Judgment in any way, this Court hereby retains continuing jurisdiction over: (a) implementation of this settlement and any award or distribution of the Settlement Fund, including interest earned thereon; (b) disposition of the Settlement Fund; (c) hearing and determining applications for attorneys' fees and expenses in the Litigation; and (d) all parties hereto for the purpose of construing, enforcing and administering the Stipulation.

14. The Court finds that during the course of the Litigation, the Settling Parties and their respective counsel at all times complied with the requirements of Federal Rule of Civil Procedure 11.

15. In the event that the settlement does not become effective in accordance with the terms of the Stipulation or the Effective Date does not occur, or in the event that the Settlement Fund, or any portion thereof, is returned to the Defendants, then this Judgment shall be rendered null and void to the extent provided by and in accordance with the Stipulation and shall be vacated and, in such event, all orders entered and releases delivered in connection herewith shall be null and void to the extent provided by and in accordance with the Stipulation.

IT IS SO ORDERED.

DATED: 12/18/12

*Nathaniel M. Gorton*

THE HONORABLE NATHANIEL M. GORTON  
UNITED STATES DISTRICT JUDGE

## Evergreen Ultrashort Opportunity Fund Opt-Outs

### Opt outs received by Claims Administrator in connection with Notice Of Pendency

<u>Name</u>	<u>Address</u>	<u>City, State Zip</u>
Arthur Rohr	5970 Marzilli Street NW, Apt C1	Canton, OH 44718
Rita M. Souder	PO Box 162, 344 Devault Lane	Devault, PA 19432
Helen Butkovich	PO Box 626	Sylva, NC 28779
Thomas C. Brake	6402 E 10th Street N	Wichita, KS 67206
Karen R. Kerman Rev Trust	5001 E Atherton Street, Apt 403	Long Beach, CA 90815
Scott J Davis	2434 South 85th Street	West Allis, WI 53227
CW & Callie Mobley III	717 Chipandie Drive	Augusta, GA 30909
James W & Linda S Ayre	2612 Foxy Poise Rd	Louisville, KY 40220
Estate of John K Fleming	610 39th Avenue S	North Myrtle Beach, SC 29582
Norma Bachman	410 Oakdale Drive	Dover, OH 44622
James M Whalen	501 W Woodlawn Ave	North Augusta, SC 29841
Candace McKey	7737 SE Loblolly Bay Drive	Hobe Sound, FL 33455
Roberta H. Dove	6725 Quander Road	Alexandria, VA 22307
Clarence A. Hoff	46 Hart Street	Warminster, PA 18974
Rita M. Souder	PO Box 162, 344 Devault Lane	Devault, PA 19432
Mary Perry	943 Grant Rd	Folcroft, PA 19032
Kathryn D Costa Trust	2212 Poplar Street	Garnet Valley, PA
Clarence A. Hoff	46 Hart Street	Warminster, PA 18974
Dennis Krystyn	2356 Magnolia Street	Des Plaines, IL 60018
Stephanie H Cottrell	279 Legend Hill Rd	Madison, CT
Candace McKey	7737 SE Loblolly Bay Drive	Hobe Sound, FL 33455
Anne Kellgren	169 W Hazelwood Ave	Rahway, NJ 07065
Wachovia Diversified Stable Value Wrap, SPGT Wrap	1525 W WT Harris Blvd	Charlotte, NC 28262
Wachovia Stable Value Wrap	1525 W WT Harris Blvd	Charlotte, NC 28262
Envision Income Fund *	200 Berkeley Street	Boston, MA 02116
Envision Growth Fund *	200 Berkeley Street	Boston, MA 02116
Mario Pinizzotto	336 N Birch Road #6D	Fort Lauderdale, FL 33304
Irene Sparks	1000 Buffalo Rd	Selah, WA 98942
Edward J Kezele	1440 N Lakeshore Drive 9C	Chicago, IL 60610
James M Stewart	4642 SW 12th Street	Miami, FL 33134
Janet A Booker-Williams	6 N 6th Street Apt 1013	Yakima, WA 98901
Thu Phong T. Ly	6930 barrett Rd	Falls Church, VA 22042
Wallace E & Sharon M Colson	2111 NE 156th Ave	Vancouver, WA 98684
Betty Chandler	305 Harriet Ave	Lansing, MI 48917
Wetherbee Family Trust Inc	11509 Maple Ridge Road	Reston, VA 20190
Estate of Margaret Hemingway	805 Michaelsmas Ave	Cayce, SC 29033
Estate of Merecedes C Gelston	809 S Marshall Ave	Litchfield, MN 55355
Jerry W. Patton	20000 US Highway 377	Cresson, TX 76035
Francesco Schirripa	34 Walnut Street	Bloomfield, NJ 07003
Archie Vitale	41 Belmont Ave	Ambler, PA 19002

Fouad T Karam	801 Lake Shore Dr. Apt 618	Lake Park, FL 33403
Barbara P Smith	9 Bowerstown Rd	Washington, NJ 07882
Orville T Bishop Rev Living Trust	628 Teresa Street	Martinez, CA 94553
Archie Gray Crews	3181 Friendship Church Rd	Lexington, NC 27295
Carolyn Everhart	3181 Friendship Church Rd	Lexington, NC 27295
Virgina Craver & Carolyn Everhart	3181 Friendship Church Rd	Lexington, NC 27295
York Family Trust	4228 Mountcastle Way	San Jose, CA 95136
Estate of John K Fleming	610 39th Avenue S	North Myrtle Beach, SC
	PO Box 249 - 302 Main Street	29582
Carrie A Dempsey	2955 NE 34th Ave	Stockertown, PA 18083
Ann E Stanley	1055 N 22nd Street - Apt 1A	Portland, OR 97212
Adelina Clauser	1151 Counts Ferry Rd	Allentown, PA 18104
Michael L Huffstetler	529 Delegal Street	Lexington, SC 29072
Frances Bernice Jones	Drammensveien 52D	St Simons Island, GA 31522
Veflingstad Living Trust	519 Main Rd	N-0271 Oslo, Norway
William F Kahler		Johns Island, SC 29455

**Opt outs received by Claims Administrator in connection with Settlement Notice and CIF Mailing**

Agatha Lajeunesse	2205 S Cypress Drive #604	Pompano, FL 33069
Darrell L Lowery	15128 Georgia Rd	Woodbridge, VA 22191
John A. Vitkevich, Jr.	36 Butternut Cicrle	Concord, MA 01742